IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7158 of 2002

Between:

M/s.Durga Wines, Dagadarthi Rep.by its IL 24 Lincencee P.Giri Babu,
S/o.T.Adinarayana age-32,R/o.Dagadarthi V & M
Nellore Dist.

..... PETITIONER

AND

1 The Govt.of A.P Rep.by its Principal Secretary, Revenue (Excise-II) Department Secretariat Hyderabad.
2 The Commissioner Prohibition & Excise
Nampally Hyderabad.
3 The Dist.Collector
Nellore Dist. Nellore
4 The Superintendent Prohibition & Excise Dept
Nellore, Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue an order or orders direction or directions or a writ particularly one in the nature of Writ of Mandamus declaring the notification issued by the 3rd respondent published in district Gazette Nellore in issue No.57 dated 08-04-2002 so far as notifying a New IL 24 shop at Dagadarthi Mandal, Nellore Dist and also declare the condition imposed that the licence is liable for cancellation/non-renewal for not lifting stocks equal to 6 times the licence fee as illegal,arbitrary,discriminatory violative of Articles 14 & 19(1)(g) of the constitution of India and set aside the same and consequently direct the respondents not to issue new retail outlet in Dagardarthi Mandal,Nellore Dist.

For the Petitioner: MR.P.SRIDHAR REDDY, Advocate

For the Respondent Nos.1 to 4: The Govt.Pleader FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

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The learned counsel for the petitioner submits that the cause in this writ petition does not survives and becomes infructuous

2. Recording the above submission, this writ petition is dismissed as infructuous. No costs.

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23.07.2004

dsr/skmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principle Secretary, Govt. of A.P.

Revenue [Excise-II] Department

Secretariat Hyderabad.

2. The Commissioner, Prohibition & Excise

Nampally, Hyderabad.

3. The District Collector, Nellore District,

Nellore.

4. The Superintendent, Prohibition & Excise Department,

Nellore District, Nellore

5. Two CCs to the Government Pleader

[Prohibition & Excise] High Court Buildings,

Hyderabad[OUT]

6. Two CD copies.